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To: Curtis, Jennifer
Cc: Meade, Chris
Subject: Juneau Access 404 comments
Attachments: Comments for Juneau Access DSEIS.docx

Jennifer, like I mentioned on the phone, Chris Meade will send you some more edits tomorrow (Thank you, Chris!). I'll confirm the changes with you and Chris on Monday though. Chris – Jennifer confirmed that she has a few days next week before Teena will sign the letter, so we're in good shape.

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Comments for Juneau Access Improvement Project DSEIS

The U.S. Environmental Protection Agency has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for compliance with the EPA's Section 404(b)(1) Guidelines (Guidelines). The Guidelines include measures for avoidance, minimization, and compensation for unavoidable impacts to aquatic resources. Section 230.10(a) of the Guidelines allows only the least environmentally damaging practicable alternative (LEDPA) to be authorized. The DSEIS evaluates several alternatives that were identified as reasonable (1, 1B, 2B, 3, 3M, 4A, 4B, 4C, and 4D). Of the options that were evaluated, the ferry options (1, 1B, 4A, 4B, 4C, and 4D) would impact the least amount of aquatic resources (0-4.1 acres permanently lost of waters of the US). The West Lynn Canal Highway options (Option 3 and 3M) cause 37.8 and 38.5 acres of waters of the US to be permanently lost. Option 2B impacts the greatest amount of aquatic resources with a total of 92.8 acres permanently lost of waters of the US.

To determine which option is the LEDPA, the practicability for each option was evaluated. Practicability was determined in light of the travel forecast and life cycle costs. The ferry options (1, 1B, 4A, 4B, 4C, and 4D) were deemed not practicable from a logistical standpoint because they each would carry less than 30 percent of the anticipated daily vehicle demand. The DSEIS states that Option 3 is not practicable because it would have unacceptable impacts on Endangered Species. Figure 3-19 shows Steller Sea Lion habitat in Berners Bay which would be impacted by the ferry terminal and ferry traffic in Berners Bay for Option 3. However, the Eastern Distinct Population Segment of Steller Sea Lion was delisted from the Endangered Species List effective December 4, 2013 (78 FR 66140, November 4, 2013). Due to the delisting of the Steller Sea Lion, Option 3 and Option 3M should be reevaluated for practicability. Option 3M is a modified version of Option 3 which takes the herring spawning season into consideration. Herring are not a listed species, it is known that their population in Lynn Canal has been declining for several decades and therefore provisions should be put into place to protect herring during spawning when possible.

EPA recognizes that ADOT has taken further steps to minimize the impacts to wetlands and waters of the US through their preferred option, 2B. However, given all of the options that were evaluated, 2B impacts more aquatic resources than any other. Option 2B would cross 46 streams and fill 60 acres of wetlands where Option 3 and 3M would cross 32 streams and fill approximately 26 acres of wetlands. EPA urges the applicant to reassess the practicability analysis for Options 3 and 3B and re-evaluate the determination for the LEDPA.

Once the LEDPA is determined, the mitigation for this project for the unavoidable impacts to waters of the US should be calculated based on a functional analysis in accordance with the 2008 Compensatory Mitigation Rule as well as the Alaska District Regulatory Guidance Letter RGL 09-01. The agreed upon mitigation for this project before 2008 may not provide the adequate compensatory mitigation for the aquatic resource functions that will be lost for the permitted project.